THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No.14502 of 2001

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Dated: 22.02.2006

Between:

The Commissioner, Pithapuram Municipality, Pithapuram,

East Godavari District.

..... PETITIONER

AND

Seekoti Chandra Rao, S/o Appa Rao, Radhalapeta,

Pithapuram, East Godavari District and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No.14502 of 2001

Order:

Assailing the award dated 10.01.2000 passed by the Labour Court, Visakhapatnam, in I.D. No. 11 of 1998, directing the petitioner-Municipality to reinstate respondent No.1 into service with continuity of service, but without back wages, the petitioner-Municipality filed the present writ petition.

Heard the learned Standing Counsel for the petitioner-Municipality and the learned counsel for respondent No.1. Learned Standing Counsel for the petitioner-

Municipality contends that the Labour Court, without properly appreciating the evidence on record, erroneously passed the impugned award directing the petitioner-Municipality to reinstate respondent No.1 into service with continuity of service, but without back wages. He, thus, prayed that the impugned award be set aside and the writ petition be allowed.

The parameters and scope of judicial review of this Court under Article 226 of the Constitution of India to issue a writ of certiorari are limited to – firstly to correct errors of jurisdiction when the inferior Court or Tribunal acts without jurisdiction or in excess or fails to exercise it, secondly correct errors of law apparent on the face of the record, and thirdly correct and interfere with the findings that are based on suspicion, conjectures or surmises or no reason. The law is well settled that this Court does not act as an appellate authority and reappraise the evidence while exercising certiorari jurisdiction. It is within these parameters, the impugned award of the Labour Court, is to be examined.

Before the Labour Court, respondent No.1-Workman was examined as WW-1 and got marked Exs.W1 to W5 documents. Though notice was served, the petitioner-Management did not choose to contest the matter either by filing counter affidavit or by leading evidence. As per the claim of the Workman, he joined in petitioner-Municipality as Chainman in Town Survey Department on 30.10.1984 and he worked as such on a monthly salary of Rs.1150/- till 31.05.1989, on which date the Management terminated his services. The documents Exs. W1 to W5 corroborate the version of respondent No.1. Ex.W1 the appointment order dated 30.10.1984 shows that respondent No.1 was appointed on 30.10.1984 on temporary basis and his pay scale at that time was Rs. 290-345-10-425/-. Ex.W2 is letter dated 05.03.1987 showing that respondent No.1 was attached to P. Satteppanaidu, Bill Collector. Ex.W3 is the service certificate showing that respondent No.1 had worked to the satisfaction of the management without any remarks. Ex.W4 is the letter addressed by the Municipal Chair-person to the Commissioner, Municipal Administration office. Ex.W5 is the service register of respondent No.1 opened by the Management. The Management did not produce any material to rebut the same. The Labour Court, after an elaborate consideration of the entire oral and documentary evidence on record produced by respondent No.1, passed the impugned award holding that the workman is entitled to be reinstated with continuity of service but without back wages, and no interference is called for therewith.

The award of the Labour Court judged from the parameters of certiorari jurisdiction of this Court under Article 226 of the Constitution of India, does not call for interference, for the petitioner-Corporation failed to point out any of infirmities.

The writ petition is devoid of merits and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 22.02.2006

Nsr/Ksr